

REMARKS

Status of Claims

Claims 1-20 are pending and have been rejected by the Examiner. Accordingly, claims 1-20 are presented and at issue. Claims 1, 9, and 17 have been amended. The Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the concurrently filed Request for Continued Examination, the foregoing amendments, and following remarks. No new matter has been entered.

Rejections Under 35 U.S.C. §112

Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, portions of claims 1, 9, and 17 lack proper antecedent basis. The Applicant has amended claims 1, 9, and 17 accordingly and submits that claims 1, 9, and 17 fully comply with the requirements of 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the rejections is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 1, 9 and 17 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Michaels, Edward, Work Measurement (1989) in view of Nation et al. U.S. Patent Publication No. 2007/020317.

Claims 2 and 10 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Michaels, Edward, Work Measurement (1989) in view of Nation et al. U.S. Patent Publication No. 2007/020317 as applied to claims 1 and 9 above, and further in view of Leehman, U.S. Patent Publication No. 2005/0043976.

Claims 3-4, 11-12 and 18 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Michaels, Edward, Work Measurement (1989) in view of Nation et al. U.S. Patent Publication No. 2007/020317 as applied to claims 1, 9 and 17 above, and further in view of Kaplan et al., Linking the Balanced Scorecard to Strategy (1996).

Claims 6 and 14 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Michaels, Edward, Work Measurement (1989) in view of Nation et al.

U.S. Patent Publication No. 2007/020317 as applied to claims 1, 9 and 17 above, and further in view of Goodkovsky, U.S. Patent No. 6,807,535.

Claims 5 and 13 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Michaels, Edward, Work Measurement (1989) in view of Nation et al. U.S. Patent Publication No. 2007/020317 in view of Kaplan et al., Linking the Balanced Scorecard to Strategy (1996) as applied to claims 4 and 12 above, and further in view of Leehman U.S. Patent Publication No. 2005/0043976.

Claims 7 and 15 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Michaels, Edward, Work Measurement (1989) in view of Nation et al. U.S. Patent Publication No. 2007/020317 as applied to claims 1, and 9 above, and further in view of Denton, Keith D., Work sampling: Increase Service and White Collar Productivity (1987).

Claims 8 and 16 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Michaels, Edward, Work Measurement (1989) in view of Nation et al. U.S. Patent Publication No. 2007/020317 as applied to claims 1, and 9 above, and further in view of Wilde, Edwin, A performance control system (1993).

The Examiner has not provided citations to references in support of any rejections for claims 19 and 20. As claims 19 and 20 recite features substantially similar to those recited in claims 5, 13 and 6, 14, respectively, the Applicant will address the rejections of claims 5, 13 and 6, 14 to include claims 19 and 20.

Additionally, the Examiner states in the Final Office action that the Applicant has failed to challenge the officially cited facts in previous office actions and, therefore, those statements as presented are herein prior art. The Applicant respectfully disagrees and submits that while Applicant has not explicitly addressed the rejections based upon Official Notice, the Applicant has responded to all points raised in the previous office actions, e.g., by way of statements, such as “for at least these reasons, the Applicant submits that claims [x] are patentable [over the cited art]...” The Applicant has not acquiesced to any assertions of Official Notice raised in previous offices or in the instant Final Office Action.

Independent claim 1 has been amended to recite, *inter alia*, “wherein generating a roadmap includes ranking individuals amongst one another based upon observable behaviors conducted as an initial screening to identify training requirements and creating an action plan and, wherein further, training the individuals includes linking a corresponding training program with the individuals in response to the initial screening, the action plan including detailed action items and metrics that guide the individuals through the roadmap.” No new matter has been entered. Support may be found throughout the Applicant’s specification and drawings.

The examiner relies upon Nation for allegedly teaching generating a roadmap including ranking individuals based upon observable behaviors conducted as an initial screening to identify training requirements, and training the individuals includes linking a corresponding training program with the individuals in response to the initial screening. Nation discloses “using competency related information for individuals to provide a variety of benefits” (Abstract). However, Nation fails to teach or suggest generating a roadmap including ranking individuals based upon observable behaviors conducted as an initial screening to identify training requirements, and training the individuals includes linking a corresponding training program with the individuals in response to the initial screening, as recited in Applicant’s claim 1.

Specifically, Nation is targeted to individuals and their career objectives rather than “ranking individuals [amongst one another] based upon observable behaviors” (“the system then assists Employee ZZ in developing an action plan to manage his future career so as to be qualified for the target work position type within a specified period of time,” para. [0095]). In addition, Nation teaches comparing employees to each other; however, it does not do so as part of a roadmap but rather, the employees are ranked as part of a search to fill positions (“10A-10B illustrate an example of searching for employees using competency-related information and of comparing employees based on such information...[i]n particular, as illustrated in FIG. 10A, any of the competency-related information for individuals that was previously discussed can be used as the basis of a search,” para. [0103]). Paragraph [0130] of Nation also describes creating an action plan for an individual as opposed to “generating a roadmap” based on a number of different factors from a groups of individuals. (“to determine whether the user wishes to

create an action plan for the employee related to the career path,” [0130]). In paragraph [0144], Nation teaches ranking employees based on their preferences as opposed to “observable behaviors” (“then in step 1720 any identified employees are ranked on the basis of that preference information,” para. [0144]). Thus, as Nation fails to teach or suggest these features, the Applicant submits that the combination of Michaels and Nation would not result in the Applicant’s claim 1. For at least these reasons, the Applicant submits that claim 1 is patentable over Michaels in view of Nation.

Independent claim 9 recites, *inter alia*, “wherein generating a roadmap includes ranking individuals amongst one another based upon observable behaviors conducted as an initial screening to identify training requirements and creating an action plan and, wherein further, training the individuals includes linking a corresponding training program with the individuals in response to the initial screening, the action plan including detailed action items and metrics that guide the individuals through the roadmap.” No new matter has been entered. Support may be found throughout the Applicant’s specification and drawings. As indicated above with respect to claim 1, Nation fails to teach these features. For at least this reason, independent claim 9 is patentable over Michaels in view of Nation and is in condition for allowance.

Independent claim 17, recites, *inter alia*, “wherein generating a roadmap includes ranking individuals amongst one another based upon observable behaviors conducted as an initial screening to identify training requirements and creating an action plan and, wherein further, training the individuals includes linking a corresponding training program with the individuals in response to the initial screening, the action plan including detailed action items and metrics that guide the individuals through the roadmap.” No new matter has been entered. Support may be found throughout the Applicant’s specification and drawings. As indicated above with respect to claim 1, Nation fails to teach these features. For at least this reason, independent claim 17 is patentable over Michaels in view of Nation and is in condition for allowance.

Claims 2-8, 10-16, and 18-20 depend from what should be allowable independent claims 1, 9, and 17. For at least reasons due to this dependency, the Applicant submits that claims 2-8, 10-16, and 18-20 are also in condition for allowance. Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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